

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN WARNACA,

Defendant.

8:11CR306

ORDER

Defendant Justin Warnaca (Warnaca) appeared before the court on October 7, 2016, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 104). Warnaca was represented by Assistant Federal Public Defender Michael J. Hansen and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Through his counsel, Warnaca waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find the Petition alleges probable cause and that Warnaca should be held to answer for a final dispositional hearing before Senior Judge Joseph F. Bataillon.

The government moved for detention. Warnaca declined to present any evidence or request a detention hearing. Since it is Warnaca's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence he is neither a flight risk nor a danger to the community, the court finds Warnaca has failed to carry his burden and Warnaca should be detained pending a dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:30 a.m. on November 10, 2016**. Defendant must be present in person.

2. Defendant Justin Warnaca is committed to the custody of the Attorney General or her designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 7th day of October, 2016.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge